



Remarks by Richard Bennett, OHCHR-Nepal Representative

at the Reporters Club on the occasion of
International Day for the Disappeared

organized by Conflict Victims' Society for Justice-Nepal

29 August 2008

Namaskar!

Chair of the Reporters Club Mr Rishi Dhamala, leader of Nepal Communist Party (UML) Mr Pradeep Gyawali, former commissioner of NHRC Mr. Sushil Pyakurel, chairperson of INSEC Mr Subodh Pyakurel, journalist friends, ladies & gentlemen.

I would like to thank the Conflict Victims' Society for Justice – Nepal for the invitation to join you today in support of the families of the disappeared.

Enforced disappearance was one of the most serious violations of human rights and humanitarian law committed during the decade-long conflict in Nepal, and one of the violations with the broadest impact.

We have some idea of the scale of the problem. The National Human Rights Commission today, based on complaints they received, released a figure of 970 disappeared persons. The ICRC and the Nepal Red Cross Society have published the names of more than 1200 people reported as missing by their relatives between 1996 and 2006.

But, as you well know, enforced disappearance affects not only the persons who are disappeared but also their families and friends who have endured years of uncertainty as to the fate and whereabouts of their loved ones. The pain and suffering of disappearances has thus touched thousands more people in Nepal.

It is their continuing hardship that we should also recall on this day. The Uncertainty about the fate of their loved ones has prevented these families, predominately comprised of women and children from moving ahead with their lives, emotionally and practically (e.g. spouse have not been able to own and access property of the disappeared persons through difficulties relating to the application of inheritance laws).

They deserve better, and it has been the goal of alleviating at least a part of their suffering that has motivated many of us speaking here today.

In addition, it is important to recognize that the legacy of disappearances continues to haunt Nepal's transition to peace and democracy. It remains imperative to establish the fate of several hundred men, women and children disappeared

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during the conflict and hold accountable those responsible for the disappearances.

It is also vital that appropriate action be taken in order to break the cycle of abuses and of impunity, to move towards the type of institutional reform necessary to ensure that Nepal does not again see such a pattern of serious human rights violations.

We have recently passed the one year anniversary of the important Supreme Court decision on 1 June 2007, in which the Government was ordered to enact legislation criminalising disappearances and to establish a Commission of Inquiry on Disappearances that meets international standards.

OHCHR reiterates its encouragement to the Government of Nepal should establish a commission to investigate the fate of the disappeared and hold accountable individuals from both parties to the conflict who are found responsible for those acts. The relatives of those who disappeared have a right to know the full truth about what happened to their loved ones and to seek justice and reparations. It is heartening to see that the establishment of a Disappearances Commission, remains a priority of the political parties and is part of the Common Minimum Programme of the newly formed Government.

OHCHR stands alongside victims families and other supporters in seeking recognition and action in relation to victims' rights to truth, justice and reparations.

We would like to see drafts of legislation or policy papers on how the Government will implement its obligations in this field made public. It would be ironic if efforts to clarify the fate of hundreds were themselves cloaked in secrecy. The Government should immediately make available for public scrutiny its current draft legislation on disappearances so that there can be adequate discussion about the issues relating to it.

OHCHR is ready to make available its international experience of dealing with disappearances. We also acknowledge the expertise of those within Nepal, including those present here today. It is also important for the Government to prioritise consultation with those individuals most directly affected by disappearances. This is particularly important to ensure that the Disappearance Commission is regarded as credible, and that its objectives are targeted and reflect community expectations for addressing disappearances.

It is, additionally, an opportune time for the Government to consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

It is a sombre day in Nepal and in all countries that have experienced enforced disappearances. Let us remember those whose fate or whereabouts are unknown, remember the suffering of their families and friends, and reaffirm our commitment to work towards a Nepal in which there is never a repetition of these egregious violations of human rights.

Thank you !

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